

**Minutes of a Town Council meeting held on August 20th, A.D. 2015 at 7:00 o'clock PM in the Town Council Chambers, Town Hall, 40 Commons, Little Compton, RI. Members present: Charles N. Appleton, Jr., Fred M. Bodington, III, Paul J. Golembeske, Gary S. Mataronas and Robert L. Mushen. Also present: Richard S. Humphrey, Town Solicitor (arrived at 7:09 PM), Fire Chief R. Petrin, Police Chief A. Marion, III and Tom Dunn, Business Manager.**

**Salute to the Flag.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve, as written the August 6, 2015 Town Council meeting minutes.**

**Announcements:**

**1) Councilor Mushen has been in contact with the Hasenfeld Institute to coordinate their assistance on how the Town may approach the process of implementing a Town Manager. He anticipates a meeting at some point during the fall or early winter.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Maintenance Department Head Report for July 2015.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the Police Department Head Report for July 2015.**

**The Fire Chief informed the Council that Richard Cordeiro has been added to the ranks of call firefighters. He will be in attendance for the Sept. 10th meeting. The Chief also noted that the fire alarm system used in the community is in need of replacement due to age and lack of ability to repair the system. The Massachusetts state bid list has a bid for a fire alarm system we can use to replace this system. The replacement was a capital project designated for FY17, but due to circumstances he asks the council to consider moving forward at this time. After a brief discussion the following was voted:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To approve the concept to replace the fire alarm system used between the fire department and various businesses in the community by taking advantage of the MA State Bid in effect at this time and to request the Fire Chief work with the Town Council President to determine the funding source(s) and return to the next Council meeting with a report.**

**The Fire Chief also updated the Council on the following:**

**New 3,000 gal tanker anticipated to be arriving on or about November 1st**

**Squad Truck will hopefully be in town the week of August 27, 2015**

**Fire boat rescue training occurred for all personnel in July by Ocean Rescue Systems**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To move new business #1 – Discussion and consideration of complaints regarding excessive noise with events at Carolyn's Sakonnet Vineyards to this point in the meeting.**

**Various comments from the public:**

**Amy Veri – 120 West Main Rd – previously submitted an electronic communication expressing concern with the noise level at Carolyn's Sakonnet Vineyard. Long time resident and has seen a big change in the intensity of the events with the new owners of the vineyard. She says there is excessive noise Thursdays, Saturdays and Sundays due to wedding functions and other concert type of events. She does not wish to close down the functions simply control the noise. Have called the police a few times.**

**Chief Marion – his officers have responded with mixed results.**

**Sometimes the officers have not heard any excessive noise where on one occasion it seemed they did agree it was a little loud.**

**Marion Clifford – 146 West Main Rd – feels the music roars into their yard. She did some research and found that the barn can be rented for 90 people with recorded music played or a tent can be rented to hold 300 people with live music. She feels the weddings should also be considered during this discussion not just the planned concerts.**

**Jim Tumber – 170 West Main Rd – formerly the Roust Inn, Bed & Breakfast property of the Sakonnet Vineyards. He would like to focus on more than the noise issues. The lights are too bright, parking of excessive amounts of cars, corporate sponsored events which are, in his opinion, more radical than what was historically held on the property with the previous owners. He then showed a video on his iPad of an evening event to show the lights and sound from his property. Mr. Tumber believes many of the events are to promote corporations other than the vineyard and noted that many people arrive for these events bringing their own coolers of alcoholic beverages (BYOB). He interprets the “confirmation of historical winery uses” as something different than the town. I.e. his interpretation of “corporate” is a meeting of a corporation indoors, and “concerts” as acoustic 6 pm – 8 pm, not on stage full bands from 6 pm to 9 pm with lights and sound amplifiers. He also noted that Alex and Ani Entertainment coordinate the concerts.**

**Councilor Mushen explained the “confirmation of historical winery uses” adopted in July of 2011 for Earl Samson the previous owner of the winery.**

**Raymond C. Holland, Jr., Esq. was in attendance to listen on behalf of the vineyard ownership. He commented that he believed the functions and events are still the same, but possibly different hours and possibly different types of noise. He further stated that the vineyard would be willing work on this matter even noting that at the suggestion of the Police Chief they have hired a detail officer for this evening’s event. He wondered how we determine what is “too loud” or the correct time to close an event down.**

**Paul Clifford – 146 West Main Rd – wants their concerns taken seriously and the matter reviewed for action.**

**Councilor Mushen noted that the “confirmation of historical winery uses” exists, he concedes that they may need to be reviewed, but they do exist.**

**Councilor Golembeske does not feel the events are in violation of the confirmed uses, but concedes the vineyard maybe operating at a higher level of those functions. He suggests more interaction between the neighbors and the ownership of the vineyard to work on the problem.**

**Barbara Passmore – feels the new owners are looking to change what was existing when they bought the property/business. She feels this is farmland, agricultural property not a music theater.**

**Councilor Mataronas suggests seeing how it continues to play out and limiting the events to 6 pm to 8 pm if it does not change or remove their entertainment license completely.**

**Bill Boudreau – 176 West Main Rd – offered for the councilors to come to his house and hear the volume at his front porch.**

**Councilor Bodington – we should be careful when we consider reviewing the noise ordinance that we do not limit the local residents from having family functions on their properties in an effort to fix this one issue. Often residents will choose to host their child's wedding on their personal property under a tent which can have the sound carrying to their neighbors.**

**Mrs. Passmore asked how long this would take noting that she wanted the situation handled now. She was informed that it takes time to change ordinances, if that is what the review suggests. Another asked about injunctive relief? The Solicitor advised that could be sought, but will not happen overnight either, both matters will take time. George Purmont asked if permits were required for each event, he was told the vineyard holds an annual entertainment license not a per event license.**

**Mr. Mushen offered to speak directly with the leadership of the vineyard, with a representative of the LC Agricultural Conservancy Trust who has offered to participate in the process.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize Councilor Golembeske and Councilor Appleton to work with the Town Solicitor to review the existing noise ordinance, the “confirmation of historical winery uses” and the complaint of Ms. Amy Veri, and to return to a future Council meeting with a report for consideration.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To allow the Council President to make direct contact with the owner of Carolyn’s Sakonnet Vineyard or her designee to discuss the residents concerns regarding the noise and current use of the vineyard and to acknowledge that the LC Agricultural Conservancy Trust may like to have a representative in attendance as well.**

**The residents asked how they would know of actions taken on this matter to which they were told it would be on a publicly posted agenda for a future meeting.**

**A letter has been received from Jack Crook, President, LC Volunteer Fire Department that confirms the volunteers will retrieve the inflatable boat the town has determined is not a good fit for our use and additionally reaffirmed that the “volunteer body” made a decision to work on lease agreements for major equipment used by the town but owned by the LCVFD. He further notes that the decision was made to not donate any future funds or equipment but rather have leases in place for major equipment. Mr. Crook, President of the LCVFD stated that if the town was not interested a lease he would schedule to have the Rescue Trailer picked up as well. After a brief discussion the following was voted:**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Council President to communicate in writing to the LC Volunteer Fire Department a response to their most recent letter to inform the LCVFD that the town is not interested in leases for equipment and as such they can retrieve the Rescue Trailer, the inflatable boat and the older Rescue Vehicle no longer in service that still awaits for pickup.**

**Z. Max Cover, Co-Founder of Gratitude Festival approached the Council with a request for approval to use the Town Beach on September 12, 2015 for a community festival. He stated that he did meet with the Beach Commission, but that they have not given a formal vote on the subject. He believes the Beach Commission is**



**willing to allow the event with Town Council approval.**

**The Solicitor clarified that the Beach Commission has managerial rights over the beach by enabling legislation and that the Town Council is not the proper authority for approval of any event at the beach. The following points were made during the discussion:**

- Councilor Appleton asked if this was a “for-profit” event. Answer: yes, but will likely lose money this year.**
- Do you have special event licenses? Answer: each vendor has their own licenses. Counter response by Town Clerk: for these types of events there are Dept. of Health one day event licenses that must be obtained, the local restaurants should not be relying on their license to operate a specific establishment in town because those are only for the premises themselves not for off site events. The state form was given to Mr. Cover.**
- Councilor Mataronas upset that they waited again until the ninth hour to seek approvals. He remembers telling this group last year to make sure they started early this year for approvals.**
- The coordinator from last year, Travis Snow is only active this year for safety concerns as he has a conflict of interest due to his employment as a life guard at the beach.**
- Councilors concerned there is no vote from the Beach Commission.**
- Councilors concerned about traffic and noise**

**Motion made by Councilor Mataronas, receiving a second by**

**Councilor Bodington: The Town Council is grateful to the Beach Commission for referring a matter for Council consideration a request to use the beach by Z. Max Cover to conduct a Gratitude Festival on South Shore Beach on September 12, 2015, but the Town Council looks to the Beach Commission for their wisdom and decision on the matter.**

**Continued discussion: Councilor Mushen is concerned that insurance will need to be secured if the Beach Commission chooses to allow the event to occur. After a brief discussion the motion was amended and voted as follows:**

**Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): The Town Council is grateful to the Beach Commission for referring a matter for Council consideration a request to use the beach by Z. Max Cover to conduct a Gratitude Festival on South Shore Beach on September 12, 2015, but the Town Council looks to the Beach Commission for their wisdom and decision on the matter; contingent upon a requirement to add the addition of an event insurance certificate naming the town as additionally insured if the Beach Commission approves the event.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To move Communication #2 –**

**E-mail received from Alice Benedict expressing disturbing noise with crop cannons in her neighborhood to this point in the meeting.**

**Richard S. Humphrey, Town Solicitor recused himself from this subject and left the meeting at 8:56 PM.**

**Alice Benedict thanked the Council for placing this matter on the agenda. She noted that the cannons can start as early as 5:20 am, continue throughout the day for 12 – 14 hours a day at three (3) blasts a minute. It makes using her property very difficult as these cannons are firing constantly. She notes that she is ½ mile away from the field where the cannons are located and can not imagine how loud it must be at the property that immediately abuts the field. The intensity, duration and intervals of the cannons are her main concerns.**

**Councilor Golembeske noted that he has conversed with the farmer who uses the property involved for his crops. The farmer noted that there are newer technologies that he is looking into for sometime in the future.**

**Kate Almy owns the property that immediately abuts the land where the crop cannons are being used. Mrs. Almy noted that since she came in two weeks ago to speak with Mr. Mushen on this subject the farmer has been using Mylar balloons and predator bird recordings to scare the offending birds away. She states that they seem to be helping. She stated further that she would personally like to see crop**

cannons banned altogether, but realizes that the Right-to-farm Act protects the use of crop cannons. She is thankful to be heard on this matter and suggested that the Council may consider establishing guidelines as to the intensity, duration and intervals of usage of crop cannons. Mrs. Almy submitted a letter on this subject for the record file.

Motion made by Councilor Mataronas, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To incorporate a review of the use of crop cannons into the review of the noise ordinance as previously charged earlier this evening to Councilors Golembeske and Appleton, and the Town Solicitor.

Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To authorize the Town Treasurer to pay postage expenses for a bulk rate mailing of a survey packet for the Hazard Mitigation Team.

Motion made by Councilor Bodington, receiving a second by Councilor Appleton, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To advertise a Request for Proposals for the purchase of a new hoist for the Town Dock.

At 9:19 PM the Town Council sitting as the Board of License

**Commissioners voted the following:**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To grant a Class F one day Beverage License to the Westport Fisherman's Association for an event to be held on September 13, 2015 at the Little Compton Game Club.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adopt the following resolution: WHEREAS, the Quonset Air Museum has been a catalyst in keeping the legacy and history of military aviation for our state and nation alive; and**

**WHEREAS, the Museum functions as a research, education, and exhibit facility to educate the public from all over the world in the contributions of Rhode Islanders to the growth and development of aviation and space exploration; and**

**WHEREAS, the Museum has been instrumental in bringing added tourism and complimenting our extremely successful RI National Guard Open House and Air Show.**

**NOW, THEREFORE, BE IT RESOLVED: The Little Compton Town Council fully supports the endeavors of the Quonset Air Museum to remain at its current location and work on a plan to remediate its building maintenance issues; and be it**

**FURTHER RESOLVED:** That the Little Compton Town Council would not endorse any plans for the Rhode Island Airport Corporation to evict, remove, or place the Quonset Air Museum and its artifacts in jeopardy of destruction, deterioration, repossession, or private purchase for personal gain; and be it

**FURTHER RESOLVED:** That the Little Compton Town Council respectfully requests that the Rhode Island Airport Corporation work with the Quonset Air Museum and the Town Council of North Kingstown on a plan to keep the museum in its rightful place and retract its eviction notice for September 2015, since the museum still has six years on its lease with the Corporation; and be it

**FURTHER RESOLVED:** That this Resolution be forwarded to Governor Raimondo, Senate President, Speaker of the House, Little Compton Legislative Delegation, Quonset Development Corporation Board of Directors, and Rhode Island Airport Corporation.

**Robert L Mushen, Town Council President**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file a copy of a notice sent by the RI Dept. of Environmental Management, Office of Water Resources/Water Quality Certificate Program concerning an application of the Sakonnet Golf Club requesting a RI Water Quality Certification.**

**Motion made by Councilor Mataronas, receiving a second by Councilor Golembeske, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the recommendation of the Board of Tax Assessors for the cancellation of the following taxes be granted under Section 44-7-14 of the General Laws of Rhode Island, as amended:**

**Acct/Name Plat/Lot/MV Abatement Value Abatement Year**

**04-0230-00 021/0030-4B66 \$4,700 \$27.03 2015**

**LC Agricultural Conservancy Trust**

**24-0022-00 Tangible \$2,494 \$28.68 2015**

**Xerox Services**

**22-0195-10 MV 2015 Volk Golf \$5,753 \$79.97 2015**

**VW Credit Leasing Ltd**

**12-0578-04 046/0044-4B66 \$356,600 \$2,050.45 2015**

**Levine, Edward**

**07-0203-50 Tangible \$1,000 \$11.50 2015**

**GE Capital Americas**

**Motion made by Councilor Golembeske, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To place on file the consent**

**calendar as follows:**

- 1. Copy of a Public Notice received from Coastal Resources Management Council where CRMC is requesting concurrence of Office of Coastal management of the National Oceanic and Atmospheric Administration as a routine program change the addition of two (2) new federal agency license or permits issued by the Federal Aviation Administration to the RI federal consistency list – Certificates of the operation of new airports and Final approval of airport layout plans**
- 2. Reminder from RI Shoreline Change Special Area Management Plan of the public comment period for the Table of Contents and the Public Process Documents for the Beach SAMP documents until August 31, 2105.**

**Motion made by Councilor Golembeske, receiving a second by Councilor Bodington, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): That the bills be allowed and ordered paid as follows: \$35,587.27**

**Bruce's Saw Shop, Inc - Maintenance Dept. \$314.95**

**Direct Energy - Town Hall \$279.94**

**Direct Energy - Adamsville Street Lights \$18.95**

**Direct Energy - Cell Tower \$332.02**

**Direct Energy - Town Dock \$19.73**

**Direct Energy - I.O.O.F. \$13.89**



**Direct Energy - Peckham Lot    \$16.22**

**Direct Energy - Street Lights    \$2.14**

**Direct Energy - 32 Commons    \$16.04**

**Direct Energy - Public Safety Complex    \$1,002.77**

**Direct Energy - Transfer Station    \$33.81**

**National Grid - Town Dock    \$25.73**

**National Grid - Street Lights    \$13.00**

**National Grid - Peckham Lot    \$23.21**

**National Grid - 32 Commons    \$23.05**

**National Grid - I.O.O.F.    \$21.50**

**National Grid - Town Hall    \$214.14**

**National Grid - Adamsville Street Lights    \$25.17**

**National Grid - Cell Tower    \$251.85**

**National Grid - Public Safety Complex    \$1,246.31**

**National Grid - Transfer Station    \$35.94**

**Paychex of New York LLC - Treasurer    \$321.57**

**Richard S. Humphrey - Solicitor    \$4,083.34**

**Wilbur's General Store - Transfer Station    \$9.24**

**Wilbur's General Store - Maintenance Dept.    \$17.69**

**Wilbur's General Store - Town Hall    \$27.23**

**Northeast Sanitation Corp. - Civic Rec.    \$107.00**

**Eastbay Newspapers - Zoning Board    \$154.35**

**Eastbay Newspapers - Town Council    \$378.00**

**Eastbay Newspapers - Probate    \$40.00**

**Ready Refresh - Town Hall / Maintenance    \$25.94**

**Ready Refresh - Transfer Station    \$12.40**

**Petro - Public Safety Complex    \$2,642.78**

**Republic Services - Transfer Station    \$9,374.50**

**Susan Sisson - Director of Social Services    \$450.00**

**Tyler Technologies - Town Hall    \$1,250.00**

**Rob's Auto Care, Inc. - Police Dept.    \$15.00**

**Rob's Auto Care, Inc. - Police Dept.    \$45.00**

**Wilbur's General Store - Police Dept.    \$6.01**

**Sakonnet Veterinary Hospital - Police Dept.    \$440.00**

**Vic's Car Washes - Police Dept.    \$19.00**

**Thomas Wood - Police Dept.    \$410.00**

**Cox Communications - Police Dept.    \$217.96**

**Cox Communications - Police Dept.    \$171.00**

**Pitney Bowes - Police Dept.    \$165.00    \$1,488.97**

**Verizon - Drug Forfeiture    \$278.81**

**Fall River Police Dept. - Drug Forfeiture    \$800.00**

**New England Tech - Drug Forfeiture    \$1,410.00    \$2,488.81**

**Verizon - Fire Dept.    \$123.14**

**Firematic Supply Co, Inc. - Fire Dept.    \$121.27**

**Firematic Supply Co, Inc. - Fire Dept.    \$41.27**

**Wilbur's General Store - Fire Dept.    \$129.43**

**Clinical1 - Fire Dept.    \$134.22**

**Clinical1 - Fire Dept.    \$233.76**

**Cox Communications - Fire Dept.    \$177.20**

**Belmont Springs - Fire Dept.    \$36.46**

**Griggs & Browne Co., Inc. - Fire Dept.    \$50.00**

**Home Depot - Fire Dept.    \$75.52    \$1,122.27**

**Verizon - Transfer Station    \$30.24**  
**Verizon - Building Official    \$59.18**  
**Verizon - Maintenance Dept.    \$30.24**  
**Verizon - Maintenance Dept.    \$33.10**  
**Vision Government Solutions, Inc. - Assessor    \$2,591.58**  
**Ken's Auto Body - Maintenance Dept.    \$2,099.80**  
**Helger's South Coast Power Equipment - Maintenance Dept.    \$178.47**  
**Helger's South Coast Power Equipment - Maintenance Dept.    \$43.13**  
**P.J. Keating Company - Highway Dept.    \$277.20**  
**P.J. Keating Company - Highway Dept.    \$51.75**  
**Fall River Ready Mix Concrete, LLC - Capital Expenses    \$1,071.00**  
**Seekonk Supply, Inc. - Highway    \$1,197.13**

**Motion made by Councilor Bodington, receiving a second by Councilor Mataronas, voting in favor (Appleton, Bodington, Golembeske, Mataronas, Mushen): To adjourn at 9:21 PM.**

**Carol A Wordell, Town Clerk**